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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,083	12/15/2003	Darrell Robinson	EIS-193-C	3272
22825	7590	04/07/2004	EXAMINER	
WILLIAM M HANLON, JR YOUNG & BASILE, PC 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084-3107			LEON, EDWIN A	
			ART UNIT	PAPER NUMBER
			2833	
DATE MAILED: 04/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,083

Applicant(s)

ROBINSON ET AL.

Examiner

Edwin A. León

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "an electrical component" in Lines 1 and 4. It is unclear if the electrical component in both parts of the claim is the same or if it is a different electrical component. For examination purposes the Examiner will assume that there is only one electrical component. Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6-7 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pruehs et al. (U.S. Patent No. 5,361,026). With regard to Claim 1, Pruehs

et al. discloses an electrical service apparatus (10) mountable to an electrical component (12), the apparatus (10) comprising: a housing (30) including an end (front of 30); connector means (24, 16, 14) for joining the housing (30) to the electrical component (12) in a plug-in electrical connection, and ejector means (38) for decoupling the housing (30) from the electrical component (12). See Figs. 3-5.

With regard to Claim 2, Pruehs et al. discloses a cover (34) mounted over the end (front of 30) of the housing (30); and the ejector means (38) having a portion (40) spaced from the cover (34). See Figs. 3-5.

With regard to Claim 6, Pruehs et al. discloses a primary handle (38) fixed with respect to the housing (30). See Figs. 3-5.

With regard to Claim 7, Pruehs et al. discloses the primary handle (38) being mounted on a central lateral axis (Fig. 3) of the cover (34). See Figs. 3-5.

With regard to Claim 14, Pruehs et al. discloses the cover (34) further comprises: indicia (Fig. 3) carried on the cover (34) providing watt-hour meter disconnect and watt-hour meter reconnect procedures. See Figs. 3-5.

With regard to Claim 15, Pruehs et al. discloses an electrical disconnect switch (46) mounted in the housing (30), the electrical disconnect switch (46) having switchable contacts (66, 67) connected to one end of the connector means (24, 16, 14) to selectively connect and disconnect the connector means (24, 16, 14). See Figs. 3-5.

With regard to Claim 16, Pruehs et al. discloses the connector means (24, 16, 14) fixedly mounting the electrical disconnect switch (46) in the housing (30). See Figs. 3-5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pruehs et al. (U.S. Patent No. 5,361,026) in view of Williams et al. (U.S. Patent No. 5,097,581). Pruehs et al. discloses the claimed invention except for at least one aperture formed between the cover and of the housing permitting gas flow from an interior of the housing externally of the cover.

Williams et al. discloses a similar connector (C, B) having at least one aperture (32) for permitting gas flow from an interior of a housing (M) externally of a cover (C). See Figs. 1-3.

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the apparatus of Pruehs et al. by including an aperture as taught in Williams et al. in order to permit the escape of any pressurized gas. (Column 3, Lines 4-5)

Allowable Subject Matter

6. Claim 19 is allowed.

7. Claims 4-5, 8-13 and 17-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The references fail to teach, disclose, or suggest, either alone or in combination, a plurality of radially extending, circumferentially spaced ribs carried on the cover and engagable with the housing to form a plurality of apertures between the cover and the housing, a peripheral lip extending from the cover toward the housing to a first end, the peripheral lip directing gas flow from the interior of the housing away from the cover, the primary handle includes two spaced side legs fixedly engaged at one end to the cover; and a central leg extending between another end of the side legs and spaced from the cover, at least one ejector arm connected to the ejector handle and extending to a distal end spaced exteriorly of an end of the housing, the distal end of the ejector arm movable with respect to the housing upon movement of the ejector handle from the first position to the second position to separate the housing from an electrical component, the handle means having a portion aligned with and guardingly spaced from the portion of the actuator extending through the aperture in the cover, at least a portion of the actuator extending through the aperture, the portion aligned with and spaced from the actuator, the peripheral lip extending from the first plane of the cover to an end spaced from the exterior surface of the cover; and in combination with the rest of the limitations of the base and intermediate claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robinson (U.S. Patent No. 6,679,723), Lunycz (U.S. Patent No. 4,122,599), and Eichacker (U.S. Patent No. 3,197,848) disclose apparatuses having ejector means, housings and connector means.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edwin A. León
AU 2833
EAL
April 3, 2004

